

IN THE DISTRICT COURT OF RIO ARRIBA COUNTY

STATE OF NEW MEXICO

STATE OF NEW MEXICO on the  
relation of S. E. REYNOLDS,  
State Engineer,

Plaintiff,

vs.

ROMAN ARAGON, et al.,

Defendants.

No. 8294

Sub-File No. 262

Acequia de Chamita

ORDER

THIS MATTER having come before the Court and after  
having heard the testimony, considered the evidence, and  
being fully advised in the premises, now finds:

1. Name of defendant: Fidel Merhege
2. Defendant has been legally served with process,  
has not filed an answer, certificates of non-  
appearance and default have been filed, and the  
defendant is adjudged to be in default.
3. The Court has jurisdiction of the parties  
and the subject matter herein.
4. State Engineer's hydrographic survey and report  
relating to the defendant's water rights  
have been introduced into the record and the  
same hereby are incorporated and made a part  
of this Order; that said hydrographic survey  
and report contain a true and correct summary  
of the contents of the instruments referred to  
therein.

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5. The defendant Fidel Merhege has a right to withdraw public, surface and/or underground waters from the Rio Chama Stream System for irrigation purposes as follows:

State Engineer's File No. \*\*

Priority: 1724

Source of water: Surface waters of the Rio Chama

Point of diversion: Through and by means of the Acequia de Chamita (also known as Cuique Ditch) which diverts out of the north bank of the Rio Chama, located in the northwest part of the Bartolome Sanchez Grant, New Mexico Coordinate System, Central Zone: X = 536,680 and Y = 1,850,010, Rio Arriba County, New Mexico.

Location & Amount of Acreage: 6.45 acres irrigated; 1.70 acres in part of P.C. 183, P. 4, Exception 1, and 4.75 acres in part of P.C. 269, P. 1, Exception 1, all in Section 5, T. 21 N., R. 8 E., within the San Juan Pueblo Grant, Rio Arriba County, New Mexico.

Duty of water: Not to exceed three acre feet per acre per annum delivered at the farm head gate.

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The defendant Fidel Merhege  
has no other surface/ground water irrigation rights

in the aforesaid section.

That the defendant Fidel Merhege  
his agents, employees, privies, co-tenants, tenants,  
assigns, attorneys, and any and all other persons having  
a constructive knowledge of the restraining Order should  
be enjoined from any use of the surface/ground water

in the aforesaid section

for irrigation, except in strict accordance with the  
water rights set out hereinabove.

IT IS, THEREFORE, ORDERED that the defendant,  
Fidel Merhege

be and hereby is adjudicated to have a good and valid water right as  
set forth above.

IT IS FURTHER ORDERED that the defendant,  
Fidel Merhege

his agents, employees, privies, co-tenants, tenants, assigns,  
attorneys, and any and all other persons having constructive knowledge  
of the restraining order, be and they hereby are, enjoined from any  
use of the surface/ground water in  
the aforesaid section

except in strict accordance with the water rights set out hereinabove.

DATED, this 15 day of April, 1963.

J. M. SCARBOROUGH  
DISTRICT JUDGE

ORIGINAL Order on file

ENTERED April 15 1963

SUSIE M. MONTOYA

CLERK

*By T. M. Aldey - Deputy*